

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1659 Trust funds

SPONSOR(S): Representative Altman

TIED BILLS: HB 1657

IDEN./SIM. BILLS: SB 1420, SB 1436

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture	12 Y, 0 N	Kaiser	Reese
2) Natural Resources	19 Y, 0 N	Camechis	Lotspeich
3) Appropriations			
4)			
5)			

SUMMARY ANALYSIS

HB 1659 creates the Rural Lands Program Trust Fund within the Department of Agriculture and Consumer Services (department). The purpose of the trust fund is to receive funds to pay debt service on bonds that are issued pursuant to s. 215.6195, F.S., which authorizes the issuance of bonds for rural land protection. The bill provides for the annual carry forward of funds and for future legislative review and termination or re-creation of the trust fund.

Pursuant to Article III, Section 19(f), Florida Constitution, no trust fund of the State of Florida or any public body may be created by law without a three-fifths vote of the membership of each house of the Legislature. Additionally, the bill creating the trust fund must be separate from any related substantive bill. HB 1659 is tied to HB 1657, relating to rural land protection.

This bill is contingent upon the Legislature passing HB 1657, to fund the acquisition of conservation easements, rural land protection agreements, agricultural protection agreements and resource conservation agreements.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1659c.nr.doc

DATE: March 30, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill creates s. 570.209, F.S., to establish the Rural Lands Program Trust Fund within the Department of Agriculture and Consumer Services ("department"). The stated purpose of the trust fund is to receive a distribution of documentary stamp tax proceeds to pay debt service on bonds issued pursuant to s. 215.6195, F.S., as created in HB 1657. Any balance in the trust fund at the end of a fiscal year must remain in the trust fund and be available for carrying out the purposes of the trust fund.

Pursuant to s. 19(f)(2), Art. III of the State Constitution, the trust fund will, unless terminated sooner, terminate on July 1, 2008. Prior to its scheduled termination, the department and the Governor will review the trust fund and provide recommendations to the Legislature regarding termination or recreation of the trust fund.

Pursuant to Article III, Section 19(f), Florida Constitution), a trust fund of the State of Florida or any public body may not be created by law without a three-fifths vote of the membership of each house of the Legislature. Additionally, the bill creating the trust fund must be separate from any related substantive bill. HB 1659 is tied to HB 1657, a substantive bill relating to rural land protection.

C. SECTION DIRECTORY:

Section 1. Creating s. 570.209, F.S., establishing the Rural Lands Program Trust Fund within the Department of Agriculture and Consumer Services; establishing a purpose and providing criteria for fund management and termination.

Section 2. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The documentary stamp tax proceeds that would be deposited into the Rural Lands Program Trust Fund would otherwise be deposited into the General Revenue Fund and used for a variety of other purposes.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

As required by s. 19(f), Article III of the State Constitution, trust funds must be created by a separate bill and pass by a three-fifths vote of each house of the Legislature.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None